

## **Examples of Other State Sanctions for Street Racing**

### **Minimum mandatory fines or fines set in statute**

Several states have higher fines for violating street racing laws, have statutorily required minimum mandatory fines, or have fine amounts set in statute. Examples of this include:

- Arizona has a minimum mandatory fine of not less than \$250 for a first offense (A.R.S. § 28-708 (2004))
- California has a minimum mandatory fine of not less \$355 nor more than \$1,000 for a first offense (Cal. Veh. Code § 23109 (2005))
- Pennsylvania has a statutory fine of \$200 for racing on highways (75 Pa.C.S. § 3367 (2004)).

### **Increased fines and jail time for subsequent offenses**

Several states have increased fines or jail time for repeat offenders. Examples of this include:

- Arizona has a minimum mandatory fine of not less than \$500 for a subsequent offense (A.R.S. § 28-708)
- California has a minimum mandatory fine of not less than \$500 nor more than \$1,000 or jail time of not less than 4 days nor more than 6 months or both for an offense that occurred within 5 years of the date of a prior offense (Cal. Veh. Code § 23109)(jail time for a first offense is not less than 24 hours nor more than 90 days)
- New York provides that a second conviction within 12 months of a previous violation is punishable by imprisonment of not more than 6 months or a fine of not less than \$525, or both (jail time for a first offense is not more than 30 days or a fine of not less than \$300)(NY CLS Veh & Tr § 1182 (2005))

### **Mandatory jail time**

Arizona provides that if a person is convicted of a second or subsequent violation within 24 months of a first conviction, the person is guilty of a class 6 felony and is not eligible for probation, pardon, suspension of sentence or release on any other basis until the person has served not less than 10 days in jail or prison (A.R.S. § 28-708).

### **Enhancement of penalties based on other factors**

Hawaii enhances an offense if the person is racing and is operating a vehicle at a speed exceeding the posted speed limit by 30 miles per hour or more. The enhanced penalty for this violation is a fine of not more than \$2,000, a term of imprisonment is not more than 1 year, or both (for a regular offense the fine is not more than \$500 and the term of imprisonment is not more than 6 months) (HRS § 291C-

103).

### **Authorizing court ordered driver license suspensions**

Some states authorize the court to order a driver license suspension for a period within a specified range. Examples of this include:

- Arizona authorizes a judge to order a driving privilege suspension for a period of not more than 90 days for a first offense (A.R.S. § 28-708)
- California authorizes a court to order a driving privilege suspension for 90 days to six months for a first offense (Cal. Veh. Code § 23109)
- Alabama authorizes a court to prohibit a person from driving a motor vehicle on the public highways for a period not exceeding six months (Code of Ala. § 32-5A-178 (2005))

### **Automatic driver license suspensions**

Some states require a driver license suspension for violating street racing provisions. Examples of this include:

- Georgia requires the Dept. of Public Safety to suspend the person's license for 12 months (O.C.G.A. § 40-6-186 (2004))
- Delaware has a license suspension of not longer than 6 months for a first offense and a 1-year suspension for a subsequent offense (21 Del. C. § 4172 (2005))
- California requires the court to order the person's license suspended for 6 months for an offense that occurred within 5 years of the date of a prior offense (Cal. Veh. Code § 23109)
- Arizona requires a person's driving privileges to be revoked if the offense is a second or subsequent conviction (A.R.S. § 28-708)

### **Vehicle impoundment**

California authorizes a vehicle to be impounded at the registered owner's expense for not less than one day nor more than 30 days if the person is convicted and the vehicle used in the violation is registered to that person (Cal. Veh. Code § 23109).

### **Vehicle forfeiture**

Hawaii provides that a court may order a vehicle to be subject to forfeiture if the vehicle is owned by the defendant and is used in the commission of the offense and has been used in two prior offenses that have resulted in convictions (HRS § 291C-103).

### **Banning nitrous oxide in vehicles**

Arkansas has banned nitrous oxide from being used in a vehicle operated on a street or highway (2005 Ark. ALS 1568).

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